

By: Phillips

H.B. No. 3020

Substitute the following for H.B. No. 3020:

By: West

C.S.H.B. No. 3020

A BILL TO BE ENTITLED

AN ACT

1
2 relating to local government authorization of charitable
3 solicitation by a pedestrian.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 552, Transportation Code, is amended by
6 adding Section 552.0071 to read as follows:

7 Sec. 552.0071. LOCAL AUTHORIZATION FOR SOLICITATION BY
8 PEDESTRIAN. (a) A local authority shall grant authorization for a
9 person to stand in a roadway to solicit a charitable contribution as
10 provided by Section 552.007(a) if the local authority finds that
11 the solicitation will not endanger public safety in the roadway in
12 which the solicitation is to be made, the persons to be engaged in
13 the solicitation are employees or agents of the local authority,
14 and the other requirements of this section are met.

15 (b) A person seeking authorization under this section shall
16 file a written application with the local authority not later than
17 the 11th day before the date the solicitation is to begin. The
18 application must include:

19 (1) the date or dates and times when the solicitation
20 is to occur;

21 (2) each location at which solicitation is to occur;
22 and

23 (3) the number of solicitors to be involved in
24 solicitation at each location.

1 (c) This section does not prohibit a local authority from
2 requiring a permit or the payment of reasonable fees to the local
3 authority.

4 (d) The applicant shall also furnish to the local authority
5 advance proof of liability insurance in the amount of at least \$1
6 million to cover damages that may arise from the solicitation. The
7 insurance must provide coverage against claims against the
8 applicant and claims against the local authority.

9 (e) A local authority, by acting under this section or
10 Section 552.007, does not waive or limit any immunity from
11 liability applicable under law to the local authority. The
12 issuance of an authorization under this section and the conducting
13 of the solicitation authorized is a governmental function of the
14 local authority.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2005.